Supreme Court, U.S.
FILED

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No.

IN THE

Supreme Court of the United States

STANLEY LOGAN,

Petitioner

v.

MICHAEL CHERTOFF, SECRETARY
DEPARTMENT OF HOMELAND SECURITY, and
TRANSPORTATION SECURITY ADMINISTRATION

Respondent

On Petition For Writ of Certiorari
To The Supreme Court of The United States

PETITION FOR WRIT OF CERTIORARI OF U.S. COURT OF APPEALS FOR THE EIGHTH CIRCUIT JUDGEMENT (09-3848) 23 AUG 2010 AFFIRMING ORDER FROM THE U. S. DISTRICT COURT EASTERN DISTRICT OF MISSOURI -ST. LOUIS 22 SEP 2009 (4:07-CV-001948-CAS) THAT WAS BASED ON FRAUD UPON THE COURT

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SUPREME COURT, U.S.

QUESTION PRESENTED: Pro Se Petitioner's Constitutional Rights under the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment were violated by the Assistant U. S. Attorneys, the Attorneys of the Department of Homeland Security, and the Officers of the U.S. District Court Eastern District of Missouri-St. Louis, subverting the Judicial Process and committing Fraud upon the Court (Bullock v United States, 763F. 2d 1115, 1121[10th Cir, 1985] under color of National Security targeting Plaintiff racially specific, as a Black Studies Advocate, thereby, as a Subversive Enemy and Terrorist Threat to rationalize the Fraud violating Freedom of Speech, Freedom to Assemble and Freedom to Associate (NAACP v Alabama-357 U.S. [1958]) under First Amendment. Compelling reason for Writ of Certiorari is Fraud upon the Court promotes lack of respect by the Citizens of the United States for the Federal Judicial System that it relies on for Equal Protection, Due Process and to Adjudicate Retaliatory Discrimination under Title VII.

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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED:

Fourteenth Amendment of the Constitution -Due Process Clause and Equal Protection Clause. First Amendment of the Constitution-Freedom of Speech Clause, Freedom to Assemble Clause and Freedom to Associate-NAACP v Alabama 357 U.S. (1958). Bullock v United States, 763F. 2d 1115, 1121

(10th Cir, 1985) Fraud upon the Court. Korematsu v United States 323 U.S. 214 (1944) precedent for strict security standards matched directly to racial discrimination.

OPINIONS: The Unpublished opinion of the United States Court of Appeals for the Eighth Circuit appears at Appendix E-Page 82. The opinion of the United States District Court Eastern District of Missouri-St. Louis appears at Appendix D-Page 72.

JURISDICTION: The Date of the United Court of Appeals reconsideration was 23 Aug 2010. The jurisdiction of this Court is invoked under 28 U.S.C. $ 1254(1).

INDEX FOR APPENDIX: Plaintiff's Motion For Leave to File Amended Pleadings-Appendix A-Page 41. Plaintiff's First Requests for Production Directed to Defendants- Appendix B-Page 66. U.S. District Eastern District of Missouri Civil Dockett for Case#:4:07-cv-01948-CAS-Appendix C-Page 67. U.S. District Court Memorandum and Order-Appendix D-Page 72. U. S. Court of Appeals For the Eighth Circuit Order 23 August 2010 and Unpublished Appeal Filed 25 May 2010-Appendix E-Page 82.

STATEMENT OF THE CASE: Fraud upon the Court under color of National Security as a Likely Terrorist Threat racially specific (Black Studies Advocate Enemy) in the name of Homeland Security was perpetrated primarily by the Clerk of the U.S. District Court Eastern District Of Missouri-St. Louis, Jeffery Jones, representing Judge Charles A. Shaw, manifesting prima fascia rejection and prejudice against Pro Se Plaintiff who had been fraudulently deemed Subversive by the Department of Homeland Security via Documents ("Fit for Duty Investigation" and Background Checks) disclosed to the U.S. District Court, but (obstructed directly by the District Court and by Clerk Jeffery Jones' intervention and via phone call 08/26/ 2008) not disclosed to Plaintiff obstructing Discovery (illegally alleging Plaintiff's File contains Sensitive Security Information, however, Plaintiff is covered under 49 C.F.R. Part 1520 11 (5) need of information [my own background checks] in connection with any Judicial or Administrative proceeding). Clerk Jeffery Jones acting in partiality

for the Defendant, as an Agent of the Department of Homeland Security fraudulently submitted documents (a counterfeit electronic computer Motion [Doc 53] in Plaintiff's name but hidden and not sent to Pro Se manual Plaintiff) that were directed at the juridical machinery of the court impairing the Court's impartial task of adjudicating the case (Bullock v. United States, 763 F. 2d 1115, 1121 [10th Cir. 1985])—thus where the impartial function of the Court was directly corrupted. Fraud upon the Court vitiates the proceeding. The Fraud upon the Court put before this Honorable Court relates to the surreptitious fraudulent conspiracy by Clerk (JWJ) Jeffery Jones that resulted in the Striking of the crucial Amended Pleading, Document 45 see Appendix A, that demonstrated the CONSPIRITORIAL FRAUD of the "Fit for Duty Investigation" upon which the Defendant based their Case. Honorable Court please note how the impartial task to adjudicate was directly corrupted as crucial Document 45 was Stricken clandestinely via Docket 74 (see Appendix C- CIVIL DOCKET FOR CASE#:4:07-cv-01948-CAS),"The Clerk of the

Court shall remove Document 54 from the record. Signed by Honorable Charles A. Shaw on 2/13/09 (JWJ)". Note Document "45" fraudulently transposes and reverses to become Document "54" to conceal the strike from Pro Se Plaintiff who is manual only and cannot use or read the computer and I did not know that crucial key Document 45 was stricken. Please note Doc. 53 "ORDER IT IS HERBY ORDERED that plaintiffs motion for leave to amend his complaint is Granted [Doc. 45] IT IS FURTHER ORDERED that the Clerk of the Court shall detach and docket the Amended Complaint, which was submitted as as an attachment to the motion for leave Defendant shall file his answer to the Amended Complaint within the time frame permitted by the Federal Rules granting 45 Motion for leave to amend his complaint Signed by Honorable Charles A. Shaw on 8/26/08. (JWJ)." Please note Clerk Jeffrey Jones conspiratorially arbitrarily changed the Federal Rules (Rule 15 (a) (3)) acting in partiality to benefit the Defendant by granting them additional time and by deceiving Judge Shaw to grant additional time as Defendant had already filed

his answer to Document 45 via Document 47 "MEMORANDUM in Opposition to re 45 MOTION for leave to file amended pleadings filed by Defendants Michael Chertoff..... (Entered:08/14/2008)". Opposition was answered by Plaintiff via Doc 50 "REPLY to Response to Motion re 45 MOTION for Leave to file amended pleadings filed by Plaintiff Stanley Logan (NCL) (Entered 08/21/2008)". Plaintiff had also filled PLAINTIFF'S OPPOSITION TO MOTION TO DISMISS PLAINTIFF'S AMEMDED COMPLAINT. Please note Clerk Jeffery Jones committed Fraud upon the Court by electronically on the computer creating a Motion in my name (Doc. 53) that was hidden and not sent to manual only Plaintiff, and, therefore, that I never manually "saw" visually, as Clerk Jones broke off EXHIBIT A from PLAINTIFF'S MOTION FOR LEAVE TO FILE AMENDED PLEADINGS Doc. 45 (Please see Appendix A and CIVIL DOCKET-Appendix C) and also intentionally omitted that Doc. 45 was served and signed as Clerk Jones fraudulently offered the Defendant a scheme to attack the Doc. 45 that exposed the

FRAUD of the "Fit for Duty Investigation" upon which the Defendant's Case was built.

- Assistant U. S. Attorney Nicholas Llewellyn had made the only Disclosure 16 Jun 2008 that TSA Lambert St. Louis Human Resource Specialist Nelms had committed Fraud by not disclosing to TSA St. Louis Director Switzer that there was no "Fit For Duty Investigation" revealing that the Defendant's case, based on the "Fit for Duty Investigation", was fraudulent. The Defendant's attorney subsequently submitted the same fraudulent "Fit for Duty Investigation" conspiracy as the uncontroverted facts to Judge Shaw in Motion for Summary Judgment. Clerk Jeffery Jones electronically on the computer set up a Motion in my name (Doc. 53) that I never manually visualized and electronically shares Docket number 45 so that the U.S. Attorneys Llewellyn and Wedemeyer prompted by TSA Counsel Kim Garcia could fraudulently conspire to get key Document 45 off the case contending that the invisible counterfeit electronic Motion (Doc. 53) was not served or signed. Note Judge Charles A. Shaw via

Doc. 73 ordered me to file Amended Complaint that complies with Rules 5 and 11. Note key Document 45 (Appendix A) filed 08/06/2008 complied with Rules 5 and 11 (Plaintiff resent Doc. 45 pointing out that it was served on Defendant and signed and also signed the Exhibits), but the invisible counterfeit electronic Motion that Clerk Jeffery Jones made in my name (Doc 53) intentionally with malfeasance set up the Fraud upon the Court, that should be reported to the Department Of Justice Investigators.

- Assistant U. S. Attorney Wedemeyer coached by TSA Counsel Garcia, under color of Homeland Security, knowingly participated in committing Fraud upon the Court and submitted the same fraudulent "Fit For Duty Investigation (Saddam is the man)" Conspiracy promulgated by TSA Lambert St. Louis Human Resource Specialist Richard Nelms as the document for Summary Judgment (see page 11 to 15 MEMORANDUM AND ORDER-Appendix D as Judge Shaw acting in partiality for the Defendant participates in the Fraud upon the Court and reiterates the same "Fit for Duty Investigation" Conspiracy and a hypothetical

projected activity of an altercation with Matt Smith) and submitted the same documents to the U.S. Court of Appeals. The U.S. Court of Appeals 25 May 2010 stated "the court did not abuse its discretion in denying leave to amend," however, when Appellant submitted request for reconsideration of Judgment due to Fraud upon the Court (Clerk Jones with malfeasance conspired with Assistant U.S. Attorneys to counterfeit Amended Complaint Doc 45 omitting that it was served and signed and illegally [violating Rule 15 (a) (3)] grated additional time to respond) the only reply 23 Aug 2010 was to deny "Appellant's motion for miscellaneous relief… "- see Appendix E. The Assistant U. S. Attorneys and TSA Counsel committed Fraud upon the Court as they conspired with Clerk Jeffery Jones to submit known False documents ("Fit for Duty Investigation" Conspiracy) to Judge Charles A. Shaw.

1. Defendant's Response To Plaintiff's Interrogatories 16 Jul 2008 states: TSA HR Specialist Nelms had misinformed TSA Director Switzer that he was conducting a clandestine "Fit for Duty" investigation to label Plaintiff

as a subversive terrorist threat and to get permission to fire Plaintiff. Note in Defendant's Response to Plaintiff's Interrogatives, Defendant's Counsel Llewellyn states (see Appendix A), "It was latter determined that there was not enough information to pursue a fitness for duty evaluation.... Further, Mr. Nelms asserts that at that time there was no mechanism in place for TSA to conduct into fitness for duty." TSA HR Sp Nelms, therefore, has committed Fraud by surreptitiously withholding material key information that he should have disclosed to TSA Lambert St. Louis Director Switzer who stated in 30 Dec 04 Termination Letter to Plaintiff, "You also stated that that you had been humiliated when the Human Resource Specialist made public an investigation to determine your "Fitness for duty".

2. This one and only Disclosure that Plaintiff received was from Chief Counsel Llewellyn who received my papers that I served on Tamara Miller Director of TSA Office of

Civil Rights and found the Interrogatories contained therein. Counsel Llewellyn responded revealing the Defendant's case was fraudulent as HR Sp Nelms withheld key material information that he should have revealed to TSA Director Switzer, i.e. that their was no "Fit for Duty Investigation". Defendant's Motion for Summary Judgment contains a Declaration from HR Sp Nelms (who has admitted Fraud), which demonstrates that the intent of Defense Counsel is Fraud upon the Court.

3. 4 Aug 08 Plaintiff's Motion (Document 45-Appendix A) For Leave To File Amended Pleadings of Fraud and Assault and Battery was filed due to the fact that these egregious charges have been ignored. The Amended Pleadings were accepted over the Defendant's opposition filled 14 Aug 08. The Amended Pleadings conclusively showed that "Fit for Duty Saddam is the man" was a Fraud and was based on a Fraud to label Plaintiff a Potential Terrorist Threat, Retaliate and Terminate

Plaintiff a few days after I filed my Formal Title VII Complaint 15 Mar 2003, establishing (1) that "Fitness for Duty" inquiry was a request to terminate Plaintiff in retaliation of Title VII filling, therefore, is an adverse action; (2) had a casual nexus connection between Plaintiff's termination in addition to time sent 2 Apr 2003 two weeks after filing Formal Title VII Complaint 15 Mar 2003; (3) and that projected activity altercation with Matt Smith was a pretext as Investigator Klobe stated "but that alone was not enough to remove him." Note appearance of partiality of Judge Charles A. Shaw's Memorandum and Order (see Appendix D) IV Discussion B Retaliation Claims – as Judge Shaw ignores the fact that HR Sp Nelms committed Fraud as he withheld material crucial information that he should have disclosed i.e. that there was no "Fit for Duty Investigation" exposed in key Doc 45 that was in partiality to the Defendant fraudulently and conspiratorially struck perpetrating Fraud upon the Court.

4. I had also previously complained about the unethical behavior of TSA Counsel Kim Garcia (empowered by Homeland Security's unconstitutional entitlement to subvert Judicial Procedure) supported by the Orders of EEOC Administrative Judge Lisa Thompson, particularly that they destroyed the crucial doctor patient relationship I had with one of the few holistic physicians in the area. Counsel Garcia was attempting to prove "Paranoia" (see page 8 of MEMORADUM AND ORDER-Appendix D) as Judge Shaw again shows partiality and notes, with Fraud upon the Court malfeasance, a phone call that was impossible (Plaintiff never called Henrich) and that was inconceivable in context allegedly to Mgr. Robert Henrich 11 Dec 2002 ("plaintiff stated …there was no conspiracy and that he was just being "paranoid") as it has no chance of being genuine or authentic as it would have no legal validity in my case before or after the fact, because retaliatory "Fit for Duty inquiry" and termination due to

this pretext of alleged "Paranoia" would constitute Conspiratorial Fraud and Wrongful Termination to anyone impartially adjudicating. Council Garcia was also fraudulently attempting to prove that Plaintiff was a Security Terrorist Threat as a Vietnamese War Protester (Plaintiff in fact was a Vietnam Era USAF Officer) as Council Garcia was falsely flailing around for any Pretext to justify Wrongful Termination as a Security Terrorist Threat under precedent of COINTELPRO and WWII race based initiatives of internment of Japanese Americans as likely terrorist under Administration Fiat.

- EEOC Seminar with Cong. Lacy Clay with St. Louis EEOC Director James Neeley present 25 Mar 06 openly discussed as Policy that Administrative Judges have been ordered to throw out [Summary Judgment] Pro Se Title VII cases clogging EEOC not represented by counsel- pursuant to 29 C.F.R. 107(a)(1) (2003). Judge Charles Shaw again demonstrated his lack of impartiality against

Pro Se Plaintiff during the Scheduling Conference as he openly mocked my knowledge of the Law with "shots across the bow" questions about basic legal procedure demonstrating his lack of respect and low opinion of Pro Se Plaintiffs that clogged his Docket (U.S Court of Appeals would not allow oral arguments that I requested because I was Pro Se. Judge Shaw with annoyance demanded that I must obtain counsel.

5. Judge Charles Shaw in Memo and Order III. Facts (Appendix D): outlines the Fraud perpetrated by the Assistant U. S. Attorneys via the TSA Lambert St. Louis Staff utilizing the fraudulent "Fit for Duty Saddam is the Man" Conspiracy, calling the Fraud uncontroverted facts in the Motion for Summary Judgment. Plaintiff responded many times that Plaintiff is not required to respond to Fraud masquerading as uncontroverted facts, especially since the Officers of the Court were engaging in Fraud upon the Court striking key Doc. 45 that demonstrated that

the fraudulent "Fit for Duty Investigation" was the uncontroverted facts. Please note the Officers of the Court's participation in Fraud upon the Court because in my Complaint Director Switzer in retaliation Wrongfully Terminated me using a legally flawed Notice proposed by Assistant Director Muschler with no FILE or access to my FILE, no names, no evidence, and blocking my ability to gather witnesses and to adequately respond and clear my name since TSA was the only available employer due to my age (66 years old at that point in time). The Officers of the Court's participated in no access to my FILE and continued illegally to obstruct my access (denying Motions to Compel Disclosure) and conspired as the Amendment Pleadings of Assault and Battery and Fraud (key Doc. 45) was surreptitiously with electronic legerdemain erased and as I was obstructed from Monthly Disclosure Docket via phone call from Clerk Jeffrey Jones 08/26/2008 "***REMARK Plaintiff contacted by phone

on 08/26/2008 and informed of the courts order denying his pending motions and also vacating the hearing scheduled for 08/29/08 @9:00 JWJ)" noted on Appendix C-CIVIL DOCKET FOR CASE #:4:07-cv-01949-CAS. Defendant's Counsels Wedemeyer and Garcia refused all Disclosure and all Production of Documents with the Court obstructing all Motions to compel Disclosure and Production of Documents, that included a complete FILE with crucial Background Checks. The scant Disclosure that I received from Chief Council Llewellyn revealed (see Doc 45-Appendix A) TSA HR Sp Nelms who organized the "Fit for Duty Investigation" Conspiracy is a Fraud designed to label Plaintiff a Terrorist, Retaliate and Wrongfully Terminate. The Plaintiff finds that the Defendant's counsels are knowingly committing Fraud upon the Court listing a fraudulent scenario, "Fit for Duty Investigaton", and calling it uncontroverted facts. The fraudulent uncontroverted facts do not resemble my

Complaint and is a straw horse made up knowingly to commit Fraud upon the Court. The Court acknowledged the Fraud upon the Court falsehood as uncontroverted facts, which is problematical as it shows lack of impartiality especially as Clerk Jeffery Jones surreptitiously electronically erased Amended Pleading (Doc. 45) that destroys Defendant's case as it reveals the Fraud. Plaintiff's replied repeatedly stating that I was in Retaliation Wrongfully Terminated by Director Switzer using a legally flawed Notice that was based on Conspiratorial Fraud permitted due to a false charge of a Subversive Enemy and a Potential Terrorist based on race (Black Studies Advocacy considered subversive) under color of Homeland Security.

6. Judge Charles Shaw (page 15 MEMORANDUM AND ORDER-Appendix D) accepts the statement that harassment was not severe demonstrating lack of impartiality as he ignores the fact that Assault and Battery

was alleged on my Formal Title VII Complaint and ignored by TSA Office of Civil Rights, TSA Managerial Staff, Director Switzer, EEOC Administrative Judge and fraudulently Stricken (Doc 45) by the U.S. District Court perpetrating Fraud upon the Court. The Court electronically erased Doc. 45 that included Assault and Battery as the Amendment Pleading Complaint was meant to draw attention to the oversight. Note Carl Nicholson, a large young Black male, struck me with a full force round house blow and continued to strike me whenever he saw me (Judge Shaw mockingly noted this on page 10 of MEMORANDUM AND ORDER-Appendix D "plaintiff asserts that a coworker "slapped" him on the arm "football style"). Nicholson was given plum assignments, mobile screener with much additional pay and prestige, and was shielded and defended by TSA St. Louis Management. TSA workers observing this, lined up to assault me including a "nigger" calling hair-pulling assault from the

rear, which was projected to result in mental stress and physical injury (Appendix D MEMORANDUM AND ORDER Judge Shaw mockingly notes this on page 12 "Plaintiff....was harassed when another screener pulled at a lock of his long hair."). Plaintiff was allowed no protection or defense and I was retaliated against with Wrongful Termination when I complained and my complaint was used against me.

7. Retaliation started immediately after I filled the Formal Title VII Complaint as the fraudulent "Fit for Duty Investigation Saddam is the Man" Conspiracy was set up for that purpose. Please note Judge Shaw shows partiality and accepts this known Fraud as true, but the start of the "Fit for Duty" was the original IOC from TSA Lambert St. Louis Screener Vallery (included in the uncontroverted facts for Summary Judgment-see page 22-23 of MEMORANDUM AND ORDER-Appendix D) who was stalking Plaintiff and transparently fallaciously alleged

that Plaintiff said "Saddam is the Man", which was obviously false and Vallery should have been reprimanded as he uses neo-nazi ideology Hate Speech employing a clear hate taunt of ethnic cleansing (Vallery was yelling at me "love it or leave it" in the screening line) from an obvious agent provocateur whose transparently ridiculous slander was never questioned by TSA Management. Please note that TSA St. Louis Lambert Investigator Wayne Klobe said "but that alone was not enough to remove him". Therefore the pretextual incident 25 Jun 03 with TSA St. Louis Lambert Lead Matt Smith was set up for the Retaliatory Wrongful Termination. Judge Charles A. Shaw again showing partiality inappropriately acting in consort with TSA, the Defendant, cited Schoffstall v Henderson for finding "Fitness for Duty" examination did not constitute an adverse action, however, this ruling involved an injured employee and does not relate to my case as I was not injured or impaired in any way and

Nelms was not asking for an examination, he was requesting permission to Terminate. Vislisel v Turnage ruling was also inappropriately cited by Judge Shaw as it also involved an injured employee not relevant to unimpaired Plaintiff who Nelms was asking for permission to Terminate. TSA HR Sp Nelms' "Fit for Duty" FAX 2 Apr 03 reads: "we feel this individual needs to be removed." Nelms also attached to "Fit for Duty" Fax an IOC that I had sent to Director Switzer in which I complain about ASSAULT and Battery and upon which TSA Lambert St. Louis Screening Manager Janice Moore approved the ASSAULT on me and confirmed that she had reviewed my File that TSA Mgrs Terry Hayes and Robert Henrich had falsely declared no File existed (both Managers made false statements and are included in uncontroverted facts in Motion for Summary Judgment). Hendich's Decaration was included in Motion for Summary Judgment even though he had obviously made a

false statement (alleging "Paranoia") and falsely said a File on me did not exist. I was asking for relief and Mgr Moore excused Assault and Battery, which flies in the face and refutes the Ellerth-Faragher defense that TSA Lambert St. Louis Management, was attempting to reconcile my complaint. Please note Nelms' inquiry into "Fitness for Duty" was in actuality a request for permission to terminate Plaintiff as a potential terrorist by submitting an IOC that Plaintiff had sent to Director Switzer thus showing the Director's complicity in thrust to retaliate and Wrongfully Terminate Plaintiff refuting the defense Faragher 534 US at 804. Please note further that Nelms fraudulently did not submit the "Fit for Duty Saddam is the Man" file to TSA FOIA Bill Holzerland when Plaintiff requested my FILE from TSA FOIA because Director Switzer would not give me my FILE that Policy and Procedures requires when terminating for cause denying me Due Process. Please note the U.S. Eastern Division

Court's complicity (Plaintiff contends with Fraud upon the Court malfeasance) as the Court obstructed Plaintiff from obtaining a complete FILE (denying motions to compel Discovery and per phone call from Clerk Jeffrey Jones 08/25/2008 obstructing Plaintiff from attending Discovery Hearing) as it surreptitiously electronically erased, struck, key Doc. 45 Assault and Battery and Fraud from my case (note Doc.74 02/13/09), that demonstrated conclusively that the Defendant's case was fraudulent. Judge Charles Shaw-Appendix D MEMORANDUM AND ORDER page 22-23 again showing partiality in complicity inappropriately pleads the Defendants' Case ("post 9/11 circumstances.... defendant has proffered a legitimate, non-discriminatory reason for pursuing an inquiry into the possibility of doing a fitness-for-duty") due to the fact that the Judge defended the false representation of fact that Plaintiff exposed in key Document 45 that Clerk Jeffery Jones perpetrated Fraud upon the Court with Assistant

U.S. Attorneys and TSA Council as they illegally and conspiratorially deleted Doc. 45 surreptitiously. Judge Shaw was conspiratorially set up by the Officers of the Court with Fraud upon the Court malfeasance to Order Summary Judgment to clear his Docket of Pro Se Plaintiff.

8. Judge Shaw states that the Eights Circuit requires the Plaintiff to show that the adverse action produced significant harm or materially significant disadvantage as Judge Shaw shows partiality replicating EEOC Orders pursuant to 29 C.F.R. 107(a)(1) (2003). Human Resource Specialist Nelms was clandestinely stating on the cover of "Fit for Duty" FAX sent to Janet Cammarota TSA Home Office two weeks after Plaintiff filed Formal Title VII Complaint, "we feel this individual needs to be removed", and Citizens look to the Federal Courts to remedy Retaliatory Racial Discrimination. Nelms illegally covered up this thrust to retaliate, which should be reported to the Department of Justice Investigators. The

harm precipitated by Nelms' "Fit for Duty Saddam is the Man" Conspiracy is extensive. TSA Director Switzer stated in his termination letter 30 Jan 04, "You also stated that you had had been humiliated when the Human Resource Specialist made public an investigation to determine your "Fitness for duty"." showing that the "Fit for Duty" was key in the wrongful termination and Director Switzer intended to Officially declare the Emotional Trauma of humiliation as taunting ridicule. Plaintiff received from TSA FOIA dated 22 Jan 04 Investigator's Analysis 8 July 2003. TSA Investigator Wayne Klobe stated "On April 2, 2003, Human Resource Specialist Richard Nelms initiated a "Fit for Duty" investigation on Logan. Mr Nelms spoke with and faxed copies of Logan's letters to date to Janet Cammarata and Craig Heintz, requesting Logan's removal from TSA and asking for quick action. As of this writing, no response has been received from Headquarters. I am of the opinion that

Stanley Logan is more than just a negative influence on TSA, but an actual threat to our security. His behavior is bazaar (sic) to say the least, but that alone is not enough to remove him." This shows a casual nexus in addition to the temporal nexus that TSA has indeed Targeted Plaintiff arbitrarily as a Potential Terrorist Threat, Subversive Enemy, which subjected Plaintiff and family to menacing Surveillance, which has caused physical stress, emotional trauma and financial harm to my family and me.

9. Please note Judge Charles A. Shaw shows partiality and simply parrots the Defense (see page 22 Appendix D - MEMORANDUM AND ORDER) as he participates in the Fraud upon the Court: "fitness for duty evaluation came directly after what can only be described as "bizarre" actions by plaintiff.....post 9/11 circumstances.", which shows that the Judge Charles A. Shaw is acting with Fraud upon the Court malfeasance [juxtaposing "post 9/11 circumstances"] stating Plaintiff did not follow rules when

the Court skewed the rules with surreptitious strikes perpetrating Fraud upon the Court) the fraudulent "Fit for Duty" Conspiracy. Please note my Original Complaint and Amended Complaint (Doc.45) shows that I grieved the "Saddam is the Man" slander to Director Switzer 29 March 03 and 6 Apr 03 where I pointed out that Screener Don Vallery was stalking me and had Hate Speech shouted at me "Love it or leave it!" and defamed my character by loudly lying that "Stan said Saddam is the Man". I pointed out that I am politically astute and Vallery is lying in his neo-nazi ideology hate demented perception of Black Ghetto Vernacular (demonstrating the racial specificity of the fraud), as I do not speak that way, "Saddam is the Man" (nor do I think in this marginal dialect). Please note the "but that alone was not enough to remove him" incident 25 June 03 with TSA Lead Matt Smith reveals the racial specificity pretext as he also attempts a transparent lie in false Ghetto Speak saying

Plaintiff said,"whatcha gonna do? Whats up?"

10. The Original Complaint states: "The charge of subversion was in retaliation of me filling a Formal Title VII Complaint and in retaliation of me attempting to correct age discrimination that occurred at being hired in as a screener when I was qualified for at least supervisor. I was a middle manager of a large insurance company, Aetna, where I planned objectives and met results expected, budget objectives, and staffing for 50 subordinates. I was a supervisor for the State where I was responsible for eligibility and timely payments for welfare entitlements by 10 subordinates. I was a USAF Officer on the Generals Staff where I interpreted, directly from the War Plan, the Electronics Warfare tactics for an entire B47 Bomber Wing. I was a member of a B52 Combat Crew that flew Combat Patrol Missions loaded with nuclear weapons. I held a Top Secret Cryptographic clearance that was restricted only by a need to know. Asst Director

Muschler received my resume and initiated a Subversion charge (potential Terrorist) in retaliation. He incorrectly interpreted as racially specific Subversion, my listing under leadership accomplishments "President of Black Studies Advisory Committee" in University City School System that installed a Black Studies Program at the K to 12 level 15 years ahead of the much-publicized New York installation. This is meritorious leadership and Homeland Security may have responded appropriately after Katrina if they had received remediation in Black Studies (New Orleans among the Poorest/Blackest cities in the U.S.. Secretary Michael Chertoff [now a Consultant promoting full body scanners to TSA manufactured by his client] delayed 36 hours before declaring Katrina an occurrence of national significance where two thirds of the victims in the Orleans Parish that perished were Black, and the all Black Lower 9th Ward was totally demolished.)

Black Studies Advocacy arbitrarily is considered

subversive activity by the TSA Homeland Security corporate culture and Don Vallery, TSA Screener, was dispatched as an agent provocateur to precipitate an incident to Terminate the Black Studies Advocate as a Subversive Threat. He followed me from concourse D to concourse CB and stalked me even on breaks incredibly loaded down with books that would appear on a Black Studies list such as a rare museum quality copy of E A Wallis Budge's Book of the Dead (circa 1000 years before the Bible with the original Ten Commandments and no Curse of Ham) and insist that I take the books home to read. When this ridiculous ploy at friendship did not work, Vallery stood next to Matt Henselman, TSA Supervisor, (identified as hostile in my Formal Title VII Complaint) and yelled out the obviously transparent racist stereotypical lie (rhyming) that "Stan said Saddam is the man". This is the "Fit for Duty" faxes that Richard Nelms sent to TSA Home Office 2 Apr 03 and then covered up

the faxes from TSA FOIA by only sending in the Fax cover and concealing the five page each attachment. On the second request, after I was terminated, Plaintiff received from TSA FOIA dated 22 Apr 04 only one five-page attachment. This revealed that the "Fit for Duty" was the fraudulent "Saddam is the Man" and that TSA was still concealing one five-page attachment. This illustrated that TSA is still withholding a key part of my FILE. This is smoking gun direct evidence of egregious Racial Profiling as a Potential Terrorist Threat, Racial Discrimination and Retaliation in violation of Title VII: (1) The Fraudulent "Fit for Duty" Conspiracy File was concealed from me before termination in violation of Policy and Procedures due process and because (2) The at large TSA population, that has no relationship to Black Studies, is not subjected to a fraudulent clandestine "Fit for Duty" Investigation Subversion Terrorist Charge violating Equal Protection that speaks of racial

discrimination type corrupt Police State tactics (outlined in COINTELPRO FOIA files) and has Policy precedent in WW II internment of Japanese Americans as likely terrorist under color of Administration Fiat Executive Order 9066 ruled constitutional in Korematsu v. United States 323 U.S. 214 (1944) that applied strict security standards to racial discrimination (racial discrimination Policy under Administration Order was allowed over individuals' constitutional rights). Wayne Klobe's investigative Analysis discovered on the first TSA FOIA reply revealed that Matt Smith was a pretextual conspiracy because "that alone was not enough to remove him" that TSA Director Switzer did not permit me to submit to him before he terminated me 30 Jan 04. (Leonard Jeffries developed Black Studies curriculum K to 12 level in New York in 1988 that attracted attacks on Jeffries' Black Studies Professorship, and his Chair at CUNY was taken under pretext of anti-Semitic speech. In Jeffries v.

Harleston 1994 U.S. Court of Appeals 2nd Circuit affirmed District Court Judgment that CUNY violated Leonard Jeffries' First Amendment rights when CUNY took Jeffries' Chair. The Supreme Court granted Writ of Certiorari based on Waters v. Churchill without comment and the Court of Appeals reversed the judgment under the incredible assumption that CUNY'S discipline was outside of First Amendment protection. The ADL and the American Jewish Committee filed Amicus Briefs against Jeffries and the JDL menaces him (the type feared interference upon which CUNY based its censure astonishingly outweighing Jeffries' First Amendment rights upon which the Supreme Court has extended broad protection-Brandenburg v Ohio [1969]) whenever he speaks. AIPAC claims control of Congress, the White House and Homeland Security thus influencing an unfounded bias against Black Studies as AIPAC considers Black Studies' scientific method of direct observation

analysis of the grave continuing effects of the Balfour Declaration, as a Security Threat undermining Israel's faux fundamentalist Zionist audacity claim that Ashkenazi people had historical ontological rights to Palestine.)

11. The worst surveillance situation involved my daughter who started dating a middle-aged attorney, Eric Banks, who inexplicably said he wanted to meet the parents. The attorney said nothing to my late wife but he immediately started to interrogate me asking why was I on the Committee to Defend JB Johnson (allowed under the Freedom to Assemble Clause) when William Kunstler (ACLU and co-founder Center for Constitutional Rights) was the Lawyer? The attorney also asked me why I was a supporter of Rev. Charles Koen (appears in COINTELPRO FOIA files along with Dr. King [allowed under Freedom of Association-NAACP v Alabama-1968]) when he was arrested by the St Louis Police. This shows that TSA conducted a background check with racial

stereotypical animus (with a long tail of menacing Surveillance) that Defense Attorneys wrongfully refused to reveal under Disclosure citing faux Homeland Security measures.

12. Plaintiff was represented by competent counsel, Pleban and Asso, and they set up an airtight case of pretext and retaliatory wrongful termination as there was NO protracted activity of (1) Assault on a Supervisor and NO (2) Making False Statements. Judge Shaw shows partiality and repeats the fraudulent pretext participating in Fraud upon the Court (see page 23 MEMORANDUM AND ORDER). 25 Jun 03 TSA St. Louis Lambert Lead Matt Smith was stalking me to provoke an incident (as TSA Investigator Wayne Klobe stated "that alone was not enough to remove him"). Smith was not my Supervisor and he was not my Lead. My supervisor was Linda Pass who I had reported for undermining her Screening Manager, a Black male. My Lead was Thurmond Thomas

who was on duty standing near to my position. Therefore, Matt Smith was stalking me outside the screening area violating Policy and Procedures chain of command protocol and his stalking actions constitute an Assault with a treat of battery "I'll see you on EZ Park". My hire date was 08 Sep 02 and I was off probation 08 Sep 03. I, therefore, should have been afforded Due Process when terminated as outlined in US Dept of Transportation TSA Human Resource Management Policy Manual, or Policy and Procedures Manual-see Original Complaint. (1) I had to rely on the FILE totally to clear my name. Request to see my FILE that was used to process the Notice was denied by Director Switzer, Ruth Graham (HR), and Kevin Corcoran (Legal). My entire FILE was never given to me even after two requests to TSA FOIA and request for Disclosure in Production of Documents to Defense Attorneys. Clerk Jeffery Jones in phone call 08/26/2008 obstructing me from attending Discovery Hearing

08/28/2008 said I had to request Production of Documents that I had indeed requested–see Appendix B.

- I denied both charges, (1) Altercation with a Supervisor and (2) Making False Statements, in the Notice to Remove and noted that it was retaliatory in complaint to TSA Civil Rights. It is Director Switzer's responsibly to prove guilt and not my responsibly to clear my name especially in the absence of EVIDENCE or my FILE that was never Disclosed, obstructing Due Process.

- Perceived sexual orientation was Harassment with intention to commit emotional trauma as this charge was made repeatedly on the screening line primarily by Kareem Burns as a Harassing Provocation combined with Violent Physical Collisions, ASSAULT, that Kareem felt entitled because I was Targeted as a Terrorist Threat and I was 66 years old. Plaintiff requested that anti-Catholic statements made on the screening line should stop which would promote

a Harassing Retaliatory charge of Homosexually. Plaintiff documented origin of Color Allegation, which has skewed TSA toward a charge of a Subversive Terrorist Threat as Color is similar to Middle Easterners and 9/11 Highjackers. TSA Lead Schaffer referred to me as looking treacherous. TSA Supervisor Mark requested that the screeners should profile acknowledged Inner City Blacks as drug dealers. Gays, Blacks and Swarthy Individuals were profiled by TSA Screeners as prima facia threats, which I reported to TSA St. Louis Lambert Management.

Therefore, respectfully petition this Honorable Court for Writ of Certiorari to reverse ruling of the Court of Appeals Judgement dated 23 Aug 2010 (see Appendix E) affirming the U.S. District Court Order Dated 22 Sep 2009 as the mechanism of the U.S. District Court to impartially adjudicate was subverted primarily by the Clerk of the Court Jeffery Jones who assisted the Assistant U.S. Attorneys and the

Officers of the Court in perpetrating Fraud upon the Court in fraudulently striking key "Fit for Duty" FRAUD Document 45, and Clerk Jeffery Jones assisted in obstructing Disclosure of The Department of Homeland Security's Documents (primarily Plaintiff's complete FILE, complete "Fit for Duty" File, Police Files and Background Checks that are permitted to be released for Judicial Proceedings) that fraudulently labeled Plaintiff as a National Security Terrorist Threat based on illegal race based animus (Black Studies Advocacy as likely Terrorist) with menacing surveillance of Citizens that unconstitutionally violated Plaintiff's First Amendment Rights utilized in involvement in Black Studies installment in local schools and in Plaintiff's objecting to menacing COINTELPRO type surveillance on Civil Rights Groups. Assistant U.S. Attorneys, Attorneys of TSA Homeland Security, and Officers of the U.S. District Court Eastern District of Missouri-St. Louis unconstitutionally violated the Equal Protection Clause and the Due Process Clause in the

Fourteenth Amendment and the First Amendment Freedom to Petition Clause, Freedom of Speech Clause, Freedom to Assemble Clause and of Association (involved in free speech and freedom to assemble -NAACP V Alabama-357 U.S. 449 [1958]) was violated under color of Homeland Security as justification for Fraud upon the Court, Retaliation, Racial Profiling, Racial Discrimination, Conspiratorial Fraud, Wrongful Termination and Intrusive Surveillance in Retaliation for Plaintiff's Filing Title VII Formal Complaint against TSA Homeland Security.

DATED: 29 Oct 10

Respectfully submitted,

Stanley Logan

STANLEY LOGAN
PETITIONER

CERTIFICATE OF COMPLAINCE

No;

STANLEY LOGAN

PETITIONER

V

MICHAEL CHERTOFF, SECRETARY,
DEPARTMENT OF HOMELAND SECURITY.
TRANSPORTATION SECURITY ADMINISTRATION

RESPONDANT

As required by Supreme Court Rule 33.1(h), I certify that the petition for a writ of certiorari contains 6645 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 29 Oct 2010

Stanley Logan

40

APPENDIX A: DOCUMENT 45

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RECIEVED
AUG-4 2008

STANLEY LOGAN,
Plaintiff,
V
MICHAEL CHERTOFF, SECRETARY
DEPARTMENT OF HOMELAND SECURITY
ADMINISTRATION
Defendant

PLAINTIFF'S MOTION FOR LEAVE TO FILE AMENDED PLEADINGS

Come now, Pro Se Plaintiff Stanley Logan requesting Honorable Court for leave to File Amended Pleadings as follows:

Pro Se Plaintiff originally filed said lawsuit after he exhausted all of his remedies under law with respect to the EEOC against said Defendants. Although Plaintiff alleges claims of employment discrimination in his complaint, the facts of this case also support allegation in which Defendant Chertoff's emoloyees interfered with Plaintiff's rights by committing Fraud by false representation of matters of material fact by words and conduct by making false and misleading allegation and by concealment of what should have been disclosed intending to deceive Director Switzer to act upon Plaintiff causing legal injury of wrongful Termination.

Plaintiff initially reported that he was assaulted and struck by coworkers. After no action was taken by Management, Plaintiff filed a formal complaint 15 Mar 03. Immediately TSA workers 25

Mar 03 made Fraudulent allegations regarding statements allegedly made by Plaintiff and placed documents of the same false allegations in Plaintiff's file (see attachment A) even though Plaintiff grieved the false allegations (see Attachment B). HR Specialist Nelms also immediately on 2 Apr 03 used these false allegations to submit a Fit for Duty investigation as a cover for fraudulent conspiracy of Saddam is the Man to label Plaintiff subversive (see Attachment C). HR Nelms concealed material fact that Fit for Duty investigation by not submitting attachments to 02 Apr 03 faxes to Cammarota and Heinz to FOIA Holezerland's first request for Plaintiff's files date stamped 22 Jan 04 before Plaintiff was terminated (see attachment C). HR Nelms concealed material fact that Fit for Duty investigation was cover for Saddam is the Man conspiracy from Plaintiff until response from FOIA date stamped 22 Apr 04. It was not revealed until response for First Set of Interrogatories received from Chief Counsel Llewellyn 16 Jun 08 that HR Nelms has concealed material fact that there was no Fit for Duty investigation (see Attachment D). Defendant Chertoff and his subordinates failed to protect the Plaintiff in the work place by committing Fraud by making false statements and withholding material facts to legally injure Plaintiff by causing Director Switzer to wrongfully terminate Plaintiff. No action or investigation of these incidents were conducted until Plaintiff was terminated. Further. Plaintiff was legally injured by the Defendant's employees by Fraudulently making false statements to Director Switzer and concealing material facts and issues even until 16 Jun 08 that there was no Fit for Duty investigation in addition for requesting Plaintiffs employees to provide protection to Plaintiff for a reasonable safe workplace under Title VII and in addition to the age discrimination against Plaintiff.

Plaintiff seeks to amend his complaint in that the action of Defendant Chertoff employees' committed Fraud by concealment of material facts and making false statements in addressing the issues raised in the Notice of Removal given to Plaintiff on or about 11 nov 03 and Termination by Director Switzer 30 Jan 04

(see Attachment D). Defendant continues to conceal material material fact as Plaintiff has yet to receive a complete file with respect to his employment with TSA notably Police records and background checks and extended background check and surveillance due to fraudulent charge of subversion perpetuated by HR Nelms.

Defendant Chertoff only concentrates on one reason why Plaintiff was terminated and misstates Fraud of termination. Violation of Title VII were just a portion of the action Plaintiff was subjected to by Defendant Chertoff and his subordinates. Defendant Chertoff incorrectly states that Plaintiff claims that he suffered were only the allegations of discrimination and retaliation and omits Fraud. Each employee of TSA has a reasonable expectation of not to be subjected to Fraud in the workplace and to be treated with the same respect and dignity as any other human. Donald Vallery would have been subjected to discipline had he physically or verbally attacked one of the airline's employees or customers in the Fraudulent manner in which he attacked Plaintiff that was then Fraudulent continued by HR Nelms as concealment of material fact was perpetrated until 16 Jun 08. Plaintiff has attached a copy of his proposed First Amendment Petition to this Motion as Exhibit I.

WHEREFORE, Pro Se Plaintiff respectfully request that he be allowed leave to amend his complaint to include allegations against the Defendants for their conduct of Fraud of making false statements and concealing material facts which was revealed to Plaintiff until Defendants responded to Plaintiff's First Set of Interrogatories Directed to Plaintiff on or about 16 Jun 08 and for such other further relief as this Honorable Court deems just and necessary under the circumstances.

DATED 4 Aug 08

Respectfully submitted,
si Stanley Logan
PLAINTIFF

CERTIFICATE OF SERVICE

A copy or the forgoing was hand-delivered on 4 Aug 08 to:

CATHERNE L. HANAWAY
United States Attorney

WESLEY D. WEDEMEYER
Assistant United States Attorney
Attorney No. 4909
United States Attorneys Office
Thomas Eagleton Courthouse
111 South 10th street, 20th Floor
St. Louis, MO 63102
ATTORNEYS FOR DEFENDANT
si Stanley Logan

EXHIBIT I
U.S. DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

STANLEY LOGAN
PLAINTIFF
V
MICHAEL CHERTOFF, SECRETARY
DEPARTMENT OF HOMELAND SECURITY
TRANSPORTATION SECURITY ADMINISTRATION
DEFENDANT
Cause No: 4:07cv01946CAS
Case No. Dot 703 2102
EEOC No. 2802006 0000 6X
JURY TRAIL DEMANDED YES X

PLAINTIFF'S FIRST AMENDED PETITION FOR
EMPLOYMENT DISCRIMINATION COMPLAINT
X Title VII of the Civil Rights Act of 1964, as amended, 42 USC$$2000e, et seq., for employment decimation on the basis of race, color, religion, gender, or national origin.
X Age Discrimination in Employment Act of 1967, as amended, $$621, et seq., for employment discrimination on the basis of age (age 40 or older).
Other (Describe)
See Attachment to Plaintiff's Petition, Paragraph I with respect to the basis of this lawsuit.
PARTIES
Plaintiff-STANLET LOGAN
Defendant-MICHAEL CHERTOFF DEPT HOMELAND SECURITY-TSA
Discrimination

4.location: TSA Lambert STL, Int Airport 10801 Pear Tree Lane, Suite 300 St. Ann Mo 63074-450

5. When did the discrimination occur: Empl 8 Sep 02 to 30 Jan 04 and to present

ADMINISTRATIVE PROCEDURES

7. file charged with EEOC?

X Yes

8. Notice of Right-to-Sue Letter?

X Yes

NATURE OF THE CASE

10. The conduct complained of in this lawsuit involves:

X termination of my employment

X retaliation

X harassment

X other: Conspiracy to Lable me Subversive conducted by Richard Nelms HR two weeks After I filed Formal Complaint. Conspiracy was called "Fit for Duty" (Saddam is the Man) that he covered up even from TSA FOIA when I attempted to get my File before I was terminated. Also Assault and Battery by Delaine Brown and Carl Nicholson – Employees of TSA. FRAUD.

Did you complain about this same conduct in your charge of discrimanation?

X Yes

11. I believe that I was discrinated against because of my:

X race

X religion

X color

X gender

X age (birth date): 13 May 37

X other: Perceived Sexual Orientation

Did you state the same reasons in your charge of discrimanation?

X Yes

12. State the essential facts of your claim:

See EXHIBIT A (Attached)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

STANLEY LOGAN
Plaintiff
V
MICHAEL CHERTOFF, SECRETARY,DEPARTMENT OF HOMELAND SECURITY, TRANSPORTATION SECURITY ADMINITRATION
Defendant
Cause No: 4:07CV01948CAS
EXHIBIT A FOR PLAINTIFF'S AMENDED PETITION WITH RESPECT TO ALLEGATIONS OF FRAUD FOR EMPLOYMENT DISCRIMINATION COMPLAINT

1. Plaintiff initially reported that he was assaulted and struck by coworkers on or about 17 Nov 02.
2. After no action was taken by Management, Plaintiff filed a formal complaint 15 Mar 03.
3. Immediately, onor about 25 Mar 03, TSA workers fraudulently made allegations regarding statements allegedly made by Plaintiff.
4. Said allegations were written and subsequently placed as documentation of the same false allegations I Plaintiff's file in which he allegedly said "Saddam is the Man" (see attachment A) even though Plaintiff grieved the false allegations and denied making such a comment. (see Attachment B).
5. On or bout 2 Apr 03, HR Specialist Richard Nelms also submitted and used the same false allegations to submit a Fit for Duty investigation as a cover for fraudulent conspiracy of other TSA workers who alleged that Plaintiff

made such a comment in order to lable Plaintiff subversive. (see Attachment C).

6. HR Specialist Nelms further concealed material facts by not submitting attachments to 02 Apr 03 faxes to Cammarata and Heintz to Plaintiff to Plaintif when Plaintiff requested a complete copy of his personel file under the Freedom of Information Act (hereafter "FOIA")
7. Holzerland, a federal employee responded to Plaintiff's first request for Plaintiff personel files, date stamped said response on or about 22 Jan 04.
8. Plaintiff was terminated before he received a complete copy of his personnel file (see Attachment C).
9. Plaintiff has yet to receive a complete copy of his personnel file.
10. HR Specialist Nelms concealed material fact that there was not a Fit for Duty investigation and instead used false allegations claiming Plaintiff stated "Saddam is the Man" to label Plaintiff as subversive in a conspiracy to terminate Plaintiff from his employment at TSA.
11. Plaintiff did not know about Defendants' fraudulent conduct and the extent of Defendants fraudulent conduct until it was reveled in defendants' response to Plaintiffs First Set of Interrogatories Directed to Defendants received from Chief Counsel Llewellyn on or about 16 Jun 08 that HR Nelms concealed said material facts that there was no Fit for Duty investigation (see Attachment D)
12. Through such fraudulent conduct, Defendant Chertoff and his subordinates created a hostile work environment; failed to protect the Plaintiff in their work place by committing Fraud by making false statements and withholding material facts to legally injure Plaintiff by causing Director Switzer to wrongfully terminate Plaintiff; and providing Plaintiff with a proper workplace according to the policy of the United States Government for its employees.
13. No action or investigation of these incidents were conducted until Plaintiff's was terminated.

14. Further, Plaintiff was injured by the Defendant's employees through their and false statements to Director Switzer; concealing material facts and issues until 16 Jun 08 when Plaintiff learned that there was no Fit for Duty investigation and failing to timely request Plaintiff's employer to provide protection to Plaintiff for a reasonably safe workplace under Title VII and in addition to the age discrimination against Plaintiff.
15. Defendant continues to conceal material issues of fact as plaintiff has yet to receive a complete file with respect to his employment with TSA notably Police records and background checks and extended background checks and surveillance due to a fraudulent charge of subversion perpetuated by HR Specialist Nelms.
16. Eash employee of TSA has a reasonable expectation of not to be subjected to Fraud in the workplace and treated with the same respect and dignity as any other human.
17. Donald Vallery, an employee of TSA, would have been subjected to disciple had he physically or verbally attacked one of the airline's employees or customers in the Fraudulent manner in which he attacked Plaintiff.
18. Said conduct is part and parcel of the fraudulent conduct by HR Specialist Nelms and other TSA employees as concealment of material fact which were not available to plaintiff until 16 Jun 08 when Defendant responded to Plaintiff's First Set of Interrogatories Directed to Defendants.

ATTACHMENT A
Tsa Memorandum
3/24/03 at approximately 2:30 pm STAN LOGAN started discussing Saddam Hussein and Michael Moore. Saying "Saddam is the Man" "Hes Cool" + "If I could leave the country I would." I said if you don't like it here then leave then. He said "I would but you people messed up the rest of the world." All the while saying

these things while passengers are going are going by and most of us that work here are veterans myself included & have people fighting over there. He is constantly making comments like these to other co-workers & was moved from another lane to ours because of this. I feel some other action needs to take place instead of moving the problem the problem it needs to be corrected. I don't understand if he has these beliefs why does he work for the federal gov.
si Donald C. Vallery 3/25/03

To: Bill Switzer FSD
From: Stan Logan
Date: 25 March 2003
Re: Harassment

20 Mar Matt Heinselman scripted a harassing scenario that illustrates the targeting that I have been asking to have stopped. Note the screeners are pulled into and know about the targeting. Matt put Delainie Brown in my screening line. Delainie is the screener who assaulted me on 3-8-03. She replaced Alvin Howard who directly told me that he was going to retaliate against me for what I said about Kareem Burns who repeatedly alleges that I am gay. Because Delainie was in my line, I wanted to be in a sequence that I would not have to interact with her to protect myself, as my tolerance has limits. This request was easy to accommodate, but since they wanted the harassing scenario to be in place, the request was denied by the acting lead, Dan, and by Matt. A screening manager was called, and Janice Moore showed up.

Janice said that she had reviewed MY FILE (that I've been told does not exist) and said incredibly that Delainie's assault on me was okay and that she approved of her actions. Janice said that I would have to interact with Delainie or "go home" (I assume she meant that I would have to walk off the job). I have been asking for personnel to review the targeting because the screening

managers, in a knee jerk fashion, rubber stamp the targeting and are not skillful enough to identify even simple assault and battery (for which there is no excuse or rationalization. Note the assault and battery is more common than I have reported). On the contrary, the leads and supervisors do not support the screening managers. 24 Mar 03, my lead Mark Schulte and Lina Pass were loudly celebrating that they had dispached Mike Majors (my previous screening manager) Linda Pass solicited negative comments from the screeners about Mike Majors, which I thought was inappropriate and back stabbing.

Mark Schulte, my lead, is angry at me because of the advise I gave him when he first started out to get a ten-hour shift. He operated in reverse of the scientific method. Because he had already reached a conclusion and then gathered statistics to support that conclusion- he used a structure that is in and of itself fallacious, and in effect a lie.

Note-in this lie he was assisted by Vicki Lenke who has said that her harassing attack on me had a legitimate reason, which is impossible logically. There is no rationalization that allows abuse and harassment. They pressured scheduling scheduling to do the 10 hour shift because they misrepresented it as a groundswell from the screeners, which it was not. It was a strawhourse that Mark and Vicky fabricated because they get positive feedback on the con game of a lie and scheduling is needlessly complicated because Mark, Vicki, and a few had no qualms about the means to obtain their end.

There are individuals in my line that are excellent, such as Kelly Frank who was drawn into the targeting. I assured them that I do not think poorly of them. it is the targeting that must stop. Note- almost everyone has been drawn into the targeting-screeners, leads, supervisors, and managers. I think it is an easy call and benefits TSA and the mission. The lie has legs around here and will continue to run unless the targeting stops. Please remember an

agent of management / supervisor told me directly that I was targeted. A scripted scenario was being run similar to the lie to the one 20 Mar and Morris Harris was my lead. I discussed the targeting with him at that time and that it was a ridiculous, unskilled mess.

To: Bill Switzer FSD
From: Stan Logan
Date; 29 Mar 03
Re: Harassment / Retaliation
CC: Eric Bergantz (McKenna said he was sent from the Drury)

Please note in my IOC 25 March, I reported that the lie had legs and was running. 27 march, Dennis McKenna delivered a warning that was based on a lie that was retaliatory. It was vague, but it did clearly state a quote, "Saddam is the man"," which came ouit of Don Valerie's mouth. Don was frustrated after he vented an angry diatribe against Michael Moore because I asked him if he had ever read anything by Michael Moore or seen any of his works. He had not. These simple dialectics made him angrier and he turned on me repeating over and over, "Love it or leave it." He then started pointing at me and saying loudly that Stan said Saddam is the man. There were several screeners and supervisors around who have openly expressed hostility against me, including Matt Heinselman, who were happy to pick up on the lie and peport what Don said as fact.

I consider myself more politically astute than the screeners and the supervisors in my immediate area. To attribute such a lame scenario to me and then make a charge against me is defamation of character. I request that the charge be withdrawn and my file be purged of this material.

Dennis McKenna know nothing of the harassment that I have been reporting since November. Please ask someone to brief him, as I am reluctant to breach confidentiality by giving him copies of

letters that I have sent to others. I will brief him verbakky if time is allotted for me to do so. He does not think that there could be universal hostility.

There is a traditional reason for the hostility and even the charge that I am gay. Black males feel their self-esteem has been assaulted, and they strike back with the leveler of homosexuality, which is a secrete in the Black community that has come to light with the high percentage of AIDS cases among Blacks.

As I have asked repeatedly. Please lift the targeting wheather it is a fact or joke as Bob Henrich said Morris Harris told him. The concept that it is a joke is more reprehensible, but there are too many scenarios / traps perpetuated against me to give credibility to the joke excuse.

Please note – we have two more managers / supervisors, Dennis McKenna and Marie Dickens who cannot identify simple assault and battery and who approve of Delanie Brown's actions. Once more, Delainie was screaming at me in a shrill, hysterical voice and charged into me from the side / rear and attempted to wrench the wand from my hand. Delanie is openly hostile, and her actions are reprehensible. There is no excuse or rationalization for her behavior. It I sad that the supervisors / managers approve and defend her behavior. It does not speak well of their skills.

To: Bill Switzer FSD
From: Stan Logan
Date: 8 Apr 03
Re: Harassment / Retaliation
CC: Eric Bergantz OPS MGR

I requested a copy of the charge delivered 27 March by Dennis McKenna. To date I have not received. Please ask someone to send me acopy to include:

1. The name of the supervisor who initiated the charge-apparently Matt Heinselman.
2. The name of the person who made the complaint-apparantly Don Valerie who was shouting, pointing, and lying. I identified Don as a plant when he first showed up in my line, and I told him so. The supervisors employ plants most disturbingly are the light complextion Black females who showed up in my line after I identified a color problem amoung the TSA population. Whoever did this is not aware of the complexity of the of color and the difference of the dynamic with males and females. While both experience problems because of their complexion, their problems are not the same. These light-complexion plants appear to be more hostile and do not ameliorate the problem.
3. the names of the four screeners who came out of the cold and became "witnesses."

Since the managers / supervisors made such a legally and ethically lame charge in such a knee-jerk fashion, it shows, as I have been contending since October, that there is a secret, derogatory file being kept on me (they were waiting in the grass ready to ponce). Please note-Janice Moore said she "reviewed my file". Terry Hayes said that there was no secrete, derogatory file because that was illegal. Bob Henrich said that he had searched for a secret, derogatory file and could not fine it. I feel theses are honorable men, but I think that they feel obligated to cover up for the feckless amoung them-note the managers disagree. There is a secrete derogatory file. Please allow me the courtecy of reviewing the files so I can identify and correct the file.

The screeners, leads, and supervisors all know about the targeting, the contents of the letters that I have written, and what I've said about whom. They are anxious to retaliate and do so constantly. In other words, my complaint has been used against me, and I have been complromised. I'm sure that you have a high opinion of this population, but they are devoid of ethics, engage in mob action and

group lies. it will be excellent move for the dirctor to put a sun set on the targeting.

I have a strong feeling that the TSA population vandalized my property where I live. The car that I drive to work was vandalized and no other car on the block was bothered. This was disturbing to my neighbors, my family and me.

Another subject-the supervisors are handing out overtime like candy. There is no accounting for the need or the utilization of individuals who do overtime as they seem to move themselves and do what they wish. This would be unheard of in the private sector as it is wasteful. Another example of supervisors unsupervised. I discussed this briefly with Leroy Langston.

ATTACHMENT C
Received from FOIA date stamped 22 Jan 04 cover page only - 5 pages missing. FAX 4/2/03 from Dick Nelms to Craige Heintz.
Subject: Stanley Logan
Craig,
Per our conversation, here is an example of what we discussed. We would like to move quickly on this individual.
I will contact you befre the end of the day.
Total # of pages including Cover 6

ATTACHMENT C
Received from FOIA date stamped 22 Jan 04 cover page only - 5 pages missing. FAX 4/2/03 from Dick Nelms to Janet Cammarota
Subject: Stanley Logan
Per my conversation with Craig Heintz-
we feel this individual needs to be removed. Please advise
Total # of pages including Cover 6

DATE: January 39, 2004

TO: Stanley P. Logan
FROM: William H. Switzer Federal Security Director
Lambert St. Louis International Airport
SUBJ: Notice on Decision, Proposed Removal
REF: 306758/STL/SC/JR/cr

You are hereby notified that I have decided to remove you from employment at the Transportation Security Administration and federal goververnment. The reasons and specifications for this action were set forth in the notice of proposed removal you ere issued on November 10, 2003, which is also attached hereto.

In your written reply to the proposed action presented by you in the presence of your attorney, you denied any wrongdoing. You stated that you were the victim in this case, that you had been assaulted by your supervisor, the subject of harassment and retaliation, and that individuals assigned as your supervisor were not truly your supervisor. You also stated that you had been humiliated when the Human Resource Specialist made public an investigation to determine your "fitness for duty".

I have considered all of the information of record including that which you offered in reply to the proposed action, together with the numerous other letters and complaints submitted by you. There were no witness statements or other corroborating evidence submitted by you in support of your allegations. I find the reasons for the proposed actions are supported by the information and witness statements of record and that your removal is warranted.

You have demonstrated a total disregard for TSA standards of conduct. Your actions have caused irreparable damage to the trust and confidence placed in you as a Transportation Security Screener, and sets a poor example for the entire STL screening team. I find that you knowingly made false statements attempting to shift blame to others for your conduct. This behavior is inexcusable, especially for someone in a position of responsibility.

I have considered your previous service and work record. Although you have no previous formal disciplinary in your OPF, I find I am left with no viable alternative to your removal as any lesser penalty could promote this type of misconduct in others. For these reasons I find your removal from employment is an act which will promote the efficiency of the federal service. Accordingly, your removal will be effective the date you receive this letter.

This is a final decision. You have the right to appeal this action to the TSA's Disciplinary Review Board. Any appeal must be in writing, must set forth arguments and documentation in support of your appeal, and must be postmarked no later than thirty (30) calendar days after the effective date of your removal. You may forward your appeal to the Assistant Admistrater for Human Resources Management, Attn: DRB Coordinator at 601 S. 12th Street, Arlinton, VA 22202-4202.

If you believe this termination resulted from discrimination or harassment based on race, color, religion, sex, national origin, physical or mental disability, age (40 or over), sexual orientation, or reprisal, you must contact OCR you must do so within 45 calendar days of the effective date of this action.

Please sign the receipt of acknowledgement below on the copy provided. Your signature does not denote agreement with this action, it only represents receipt of this notice on the date signed.

si Willian H. Switzer
Federal Security Director
Lambert St. Louis International Airport
si Stanley Logan 30 Jan 04

DATE: November 11, 2003
TO: Stanley Logan
FROM: Don M. Moschler

Assistant Federal Security Director for Screening
Lambert St. Louis International Airport

SUBJECT: Notice of Proposed Removal

REF: 306758/STL/SC/JC/cr

You are hereby notified that I am proposing your removal from your position and from the Federal service. This proposal is based upon your havin an alternation with your supervisor and your knowingly making a false statement. It is proposed that you be removed from your position of Transportation Security Screener (SV-0019-D), and the Federal government in ortder to promote the efficiency of the Federal service. If a decision is made to remove you, it will not be s\effective earlier than fifteen (15) calender days from the date you receive this letter.

Reason 1: Altercation with Supervisor to Include Physical Contact.

Specification: On June 25, 2003, your supervisor observed you abusing a hand wand by banging it on a table. Your supervisor directed you to stop, however, you continued and retorted by saying are you starting stuff with me?" While being councled by your supervisor, you became confotrtional. You were directed by your supervisor to leave the office and you refused. When your supervisor existed the office in an attempt to defuse the confontration, tou followed your supervisor out the door. You then left your assigned duty location, yelled at your supervsor, approached him and began bumping your chest into his chest pushing him backwards and demanding to know why "he was causing a confontation". You had your face so close to your supervisor's face that your facial hair was touching his face. Your supervisor felt intimidated and threatened because of the diferece in his and your physical size and your physical contact with him. As a result of your behavior, two uniformed officers were contacted and arrived on the scene.

Reason 2: Making a false statement.

Specification: On June 25, 2003, you made a written statement in which you stated that your supervisor threatened to beat you up, knowing at the time, that such statement was false and that your supervisor had never threatened you. when pressed concernibg this statement, you refgused to comment.

In proposing this action, I have considered the seriusness of your actions and the detrimental impact your actions had on other assigned personnel at Lambert St. Louis International Airport who witnessed this incident. As a Transportation Security Screener, you are required to treat all employees with dignity and respect. Your disreguard of your supervisor's authority and engagement in a physical altercation will not be tolerated.

si Don M. Muschler
refused to sign on 10 Nov 03 @ 0940
witnessed by si Eric A. Bergantz
Screening Operational Manager
si Ruth Graham
HR Specialist

ATTACHMENT D
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVION

STANLEY LOGAN
Plaintiff
V
MICHAEL CHERTOFF, SECRETATY,
THE DEPARTMENT OF HOMELAND SECURITY, et al.,
Defendants

DEFENDANT'S ANSWERS TO PLAINTIFF'S FIRST SET OF INTERROGATORIES

COMES NOW Defendant Michael Chertoff, Secretary, Department of Homeland Security, by and through undersigned counsel, and pursuant to the Federal Rules of Civil Procedure, objects, answers and responds to the plaintiff's Interrogatories as follows:

GENERAL OBJECTIONS

1. Defendant objects Plaintiff's discovery requests to the extent they seek information protected by the attorney-client privilege, the deliberative process privilege, the attorney work product doctrine, or any other applicable privilege.
2. Defendant object to plaintiff's discovery requests to the extent they seek information containing Sensitive Security Information('SSI") as defined in 49 C.F.R.Part 1520.7, including any information not specifically mentioned in part 1500.7, but marked a "sensitive security information" or "SSI", either as to a whole or discrete parts thereof.
3. Defendants objects to Plaintiff's discovery request to the extent they are vague and ambiguous, overly broad and unduly burdensome, or seek information not revealant to the claims or defenses in this proceeding.
4. Defendants objects to Plaintiff's discovery requests to the extent they seek information within the possion of plaintiff or that could be readily obtained by Plaintiff.
5. Defedant objects to Plaintiff's discovery requests to the extent that they seek information protected from disclosure by the Privacy Act, 5 U.S.C. 552a, or otherwise unduly interferes with the privacy rights of others.
6. The above general objections a herby incorporated into each and every individually numbered responses as if set forth therein.

SPECIFIC RESPONSES

INTERROGATORY NO. 1. Identify and make available the entire text of the Fit for Duty Investigation promulgated by HR Specialist Richard Nelms including but not limited to:

(1) Text of what was reported to DFS William Switzer, ADFS Don Muschler and Screening Manager Wayne Klobe;
(2) guidance Nelms received from Janet Camarata about conducting a Fit for Duty Investigation along with a definition and intent of such an investigation and why Nelms said Plaintiff was being treated for paranoia when he was not;
(3) replies to 2 Apr 03 faxes received from Janet Carmorata and Craig Heinz;
(4) missing 5 page attachment to 2 Apr 03 faxes to Carmorata and Heinz;
(5) why Nelms only sent the cover sheets and withheld all attachments of 2 Apr 03 faxes from Bill Holzerland's TSA FOIA first request for Plaintiff's entire file before Plaintiff was terminated;
(6) text of conversation with Craig Heinz that caused Nelms to write on cover sheet of 2 Apr 03 fax to Carmarata-"per my coversation with Craig Heinz-we feel this individual needs to be removed please advise";
(7) text of what caused Nelms to write on Craig Heinz 2 Apr 03 fax-"we would like to move quickly on this individual;
(8) text of why it was withheld and concealed from Holzerland TSA FOIA and from the Plaintiff and possibly from DSF Switzer until 22 Apr 03 fax two months after termination that Fit for Duty investigation was a cover for Saddam is the Man conspiracy;
(9) annual salary of Richard Nelms, last position held before appointment a HR Specialist and why he is qualified for this position.

ANSWER: Defendant objects to this interrogatory on the basis that it improperly requests production of documents, it is unintelligible, vague, ambiguous, and not narrowly tailored to lead to discovery of admissible evidence. Subject to and without waiving the specific and general objections, Janet Cammarota was the subject matter expert and the point of contact for the South Central Area at

TSA Headquarters. Richard Nelms inquired about fitness for duty. Ms Cammarota suggested that he also contact Craig Heinz, who requested some samples. It was later determined that there was not enough information to pursue a fitness for duty evaluation. The nformation about a fax sent to Craig Heinz and Janet Cammarota were previously given to Plaintiff and contained in the request of investigation used at the Administrative level of this claim. (See Attachments) Without waving the objections, Mr. Nelms cannot remember the exact documents, however, based on information located at the top of the attached hereto, it is believed they are the documents sent to TSA Headquarters. Further, Mr. Nelms asserts that at that time there was no mechanism in place for TSA to conduct a fitness for duty examination, and ther wea no investigation into fitness for duty. Plaintiff's allegations that he was harassed were investigated and proven groundless. Though the investigation into Plaintiff's harassment allegations, Plaintiff admitted he was being treated for paranoia. Regarding items (9) of this Interrogatory, Defendant objects to the request for information about the annual salary for Richard Nelms. Mr. Nelms' position before he was appointed at TSA and his qualifications are not relevant to any claims or defense in this proceeding and seeks information on basis other than age, race, religion, color, gender, harassment or retaliation.

INTERROGATORY NO. 2. Identify and make available text of why as a trained investigator who proports to be conducting an empiracle investigation, Screening Manager Wayne Klobe in his 8 July investigative Report and Investigative Analysis:

(1) conducted a subjective slanted investigation reportr recommending termination as he list disputed Fit for Duty investigation and Saddam Hussein being "the man" under Record of Review when Plaintiff had specifically complained in wtitting that they are false and retaliatory under Title VII?

(2) Why Klobe moves further in his Investigative Report to prohibit protective activity by stating that Plaintiffs letters attempting to defend himself and clear his name under

Title VII were proven not to be true when there was no proven not to be true?

(3) Why klobe moves further to prohibit protected activity under Title VII to state no secret files were kept when Fit for Duty and Saddam is the man was a secret file?

(4) Why Klobe moves against Plaintiff defending himself under Title VII against unlawful attack when there were multiple assaults perpetuated against Plaintiff?

(5) Why Klobe moves against Plaintiff protective activity under Title VII reporting targeting thar Lesd now Supervisor Morris Harris reported to Plaintiff that Plaintiff was being targeted?

(6) List why Klobe is a trained investigator and if Klobe has experience I EEO type cases under Title VII (6) List Klobe's annual salary.

ANSWER: Defendant objects to this interrogatory on the basis that it is improperly request production of documents that are in the possession of the Plaintiff. Objecting further, this interrogatory is not narrowly tailored to lead to the discovery of admissible evidence.

Subject to and without waiving the objections

Item 1. Wayne Klobe was directed to investigate an incident that occurred between Plaintiff and a Lead Transpotation Security Screener on June 25, 2003. Removal under a "Fit for Duty" was not formally pursued, but Richard Nelms inquired about the topic. Mr. Klobe was aware that three screeners reported in March 2003 that they heard the Plaintiff make the statement "Saddam is the man."

Item 2 The question is unintelligible and vague, and therefore cannot be answered.

Item 3 Defendant objects to this interrogatory because Mr. Klobe maintained no "secret files" about the Plaintiff and the questionis unclear as to the "protected activity" that Plaintiff is referencing. Without waiving the specific and general objections, there was an active file preparedto support the investigation he conducted and

the recommendation for Removal. These documents are in the possession of the Plaintiff.
Item 4 Defendant objects to the interrogatory as unintelligible and has not identified the protected activity for which he refers. Without waiving the specific and general objections, there was never any finding of "assault" perpetrated against Plaintiff.
Second Item 4 Defendant objects to the interrogatory as unintelligible and because Plaintiff has not identified the protected activity for which he refers. Additionally, the question is not bound to any particular period of time and is not narrowly tailored to lead to the discovery of admissible evidence.
Item 5 Defendant object to the request for information about Klobe's investigatory experience because it is not relevant to any claims or defense in this case and seeks information on basis other than age, race, religion, color, gender, harassment or retailiation, and not narrowly tailored to lead to the discovery of admissible evidence. Without waiving the specific and general objections, Mr. klobe was a police officer for twenty-three years. Thirteen of which he was a Detective.
Item 6 Defendant objects to this interrogatory requesting Mr. Klobe's salary information because it is not relevant to any claim or defense in this case and seeks information on basis othr than age, race, religion, color, gender, harassment or retaliation and is not narowly tailored to lead to te the discovery of admissible evidence.
INTERROGATORY NO. 3. Identify and make available:

(1) full text of backfround check or extended background check, including but not limited to any action taken to investigate or exploit all or any part of background information discovered;
(2) what agency was used to conduct the background check and what agencies responded or were contacted;
(3) if Fit for Duty Information was part of or resulted from the information in the background checks in anyway.

ANSWER: Defendant objects to this interrogatory on the basis that it improperly requests production of documents, it is unintelligible,

vague and ambiguous. The interrogatory is not relevant to any claim or defense in this case and seeks information on basis other than age, race, religion, color, gender, harassment or retaliation and is not naworly tailored to lead to the discovery of admissible evidence. This case is not about any background check information on the Plaintiff, and his termination was not based on suitability. INERROGATORY NO. 4. Identify and witness, including expert and or medical witness, who will or may be called on your behalf at the trail of this matter and specify in detail the nature and substance of the testimony you expect to each witness to give. ANSWER: as of the date of this answer, Defendant's counsel has not identified any expert witnesses. Expert witnesses, if any will be disclosed pursuant to the case management Order entered in this matter shall disclose experts and provide all pertinent repots required by rule 26 (a)(2)(B), Fed R.Civ.P., individual likely to have discoverable information relevant to disputed factsalleged with particularity in Plaintiff's Complaint are Richard Nelms, Wayne Klobe, Karen Becktoldf, Dennis McKenna, Robert Henrich, William Switzer, and Matt Smith.

As to Objections interposed,

CATHERINE L. HANAWAY
United States Attorney
si Nicholas P. Llewellyn
Assistant United States Attorney
Chief, Civil Division
Thomas F. Eagelton U.S. Courthouse
111 South Tenth Street, 20th Floor
St. Louis, MO 63102
314-539 2200
314 539 2777 Fax

CERTIFICATE OF SERVICE

A copy of the foregoing Answers to Interrogatories was sent by U.S. mail postage paid, this 16 June, 2008 to

Stanley Logan si Nicholas P. Llewellyn

APPENDIX B RECEIVED JUN 30 2008
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVION
STANLEY LOGAN
Plaintiff
V Cause No. 4:07CV01948CAS
MICHAEL CHERTOFF, SECRETARY
DEPARTMENT OF HOMELAND SECURITY
TRANSPORTATION SECURITY ADMINISTRATION
Defendant

PLAINTIFF'S FIRST REQUESTS FOR PRODUCTION
DIRECTED TO DEFENDANTS

COMES NOW Pro Se Plaintiff, and pursuant to Rule34, Federal Rules of Civil Procedures, request that Defendants produce the following documents within thirty (30) days of service to Pro Se Plaintiff at his address of record.

Request Number 1: All documents used, referred to or otherwise relied upon in preparing Defendants answers to Plaintiff's First Set of Interrogatories.
Request Number 2: All documents prepared by or on behalf of any expert witness or investigator relating to the claims that are the subject of this action and referred to in Plaintiff's First Set of Interrogatories directed to the Defendants.
Request Number 3: All documents Defendants intend to use or introduce into evidence at any hearing or trail of this action.
Request Number 4: All statements, documents or records referring to allegations that Plaintiff underwent any medical or psychological condition, including but not limited to paranoia.

Request Number 5: A complete copy of Pro Se Plaintiff's Personnel/Employee file, including but not limited to Plaintiff's background investigation and extended background investigation.
Request Number 6: A complete copy of any written, oral or other type statement or other events respecting Pro Se Plaintiff that have not been provided.

CERTIFICATE OF SERVICE

The undersigned hereby certified that a copy of the foregoing was hand delivered to the following on Jun 08:

Catherine L. Hanaway
UNITED STATES ATTORNEY
Nicholas P. Llewellyn #2836
Wesley D. Wedemeyer #4909
Assistant United States Attorneys
111 South Tenth Street, Rm 20.333
St. Louis Mo 63102
si Stanley Logan

APPENDIX C
U.S. DISTRICT COURT
EASTERN DISTRIC OF MISSOURI
CIVIL DOCKET FOR CASE #:4:07-cv-01948-CAS

Date Filed	#	Docket Text
08/04/2008	45	MOTION for Leave to file amended pleadings by Plaintiff Stanley Logan (JWJ) (Entered: 08/06/2008)
08/01/2008	46	Minute Entry
08/14/2008	47	MEMORANDUM in opposition re 45 MOTION for Leave to file amended Pleadings filed by Defendants Michael Chertoff, Transportation Security Administration (Wedemeyer) (Entered Entered:08/14/2008)
08/14/2008	48	MOTION to Compel Further Defendant's

		Response to Plaintiff's Interrogatories/ Memo Requesting To Be Placed On Monthly Discovery Motion Docket 29 Aug 08 by Plaintiff Stanley Logan (Attachments #1 Exhibits) (MRC) (Entered:08/14/2008
08/15/2008	49	ORDER CONCERNING DISCOVERY MOTION-This matter is before the court on review of the file. On August 14, 2008, plaintiff filled a motion to compel futher responces to Plaintiff interrogatories. Pusuant to the case management, plaintiff requested to be placed on the motion discovery docket to be heard Augest 292008. The parties are hereby notified that the motion to compel is set on the dixcovery motion docket of August 29 2008 beginning at 9:00 am Court Room 12 North… SO ORDERED Signed by Honorable Charles A. Shaw on 08/15/2008 (MCM)
08/13/2008	50	REPLY to response to Motion re 45 MOTION for leave to file amended pleadings filed by Plaintiff Stabley Logan (NCL)Ent 08/21/2008
08/26/2008	***	REMARK Plaintiff contacted by phone on 8/26/08 and informed of the court order denying his pending motions and also vacating the hearing scheduled for 8/29/08@9:00 (JWJ)
08/22/2008	51	MOTION for reconsideration re 49 Scheduling Order by Plaintiff Stanley Logan(KXS)8/22/08
08/22/2008	52	ORDER IT IS HERBY ORDERED that plaintiffs second motion to compel defendant responses to plaintiffs interrogatories is DENIED [Doc.48] IT IS FUTHER ORDERED That plaintiffs motion for reconsideration is DENIED[Doc.51]IT IS FURTHER ORDERED that the Court order dated AUGUST 15. 2008, is VACATED. The hearing that was scheduled for August 29 2008 at 9:00 am is cancelled

and the Clerk of the Court shall remove the hearing from the Court Docket denying 48 Motion to Compel: denying 51 Motion for Reconsideration Signed Honorable Charles A. Shaw on 8.26/08 (JWJ) Entered 08/26/2008

08/26/2008 53 ORDER IT IS HEREBY ORDERED that plaintiffs motion for leave to amend his is GRANTED [Doc.45] IT IS FURTHER ORDERED that the Clerk of the Court shall and docket the Amended Complaint within the time permitted by the Federal Rules granting 45 Motion for leave to amend his complaint Signed by Honorable Charles A. Shaw on 8.?6/08 (JWJ)

08/26/2008 54 STRIKEN FROM THE RECORD PUSUANT THE COURT ORDER DATED 2/13/09 AMENDED COMPLAINT against defendant Michael Chertoff,TSA. Jury Demand demand filed by Stanley Logan(JWJ)Modified on 2/13/09

08/29/2008 55 NOTICE to the Court: MEMO TO THE HON CHARLES A. SHAW PROTESTING COURT CLERK JEFF JONRS OBSTRUCTING PLAINTIFF'S ACCESS TO MONTHLY DISCOVERY DOCKETT 29 Aug 08 by plaintiff Stanley Logan (JWJ) Entered 09/03/2008

09/09/2008 56 ANSWER to 54 Amended Complaint by Michael Chertoff TSA (Wedemeyer) 09/09/08

09/18/2008 57 MOTION for summary judgment on all claims by Plaintiff Stanley Logan attachments#1 Exhibit 1-15 (JWJ) 09/22/2008

10/07/2008 58 MOTION for Extension of time to file Response To Plaintiff's Motion For Summary Judgement

10/08/2008 59 ORDER granting 58 Motion for Extention of time

10/03/2008 60 MOTION to Quash Defendant's Request To depose Pro Se Plaintiff Stanley Logan Attachment #1 Exhibit 1#2 Exhibit2#3exhibit 2A(MRC)10/8/08

10/10/2008 61 MOTION to Quash defendant's request to depose

pro se plaintiff with attachments (JWJ)10/15/08

10/20/2008 62 RESPONSE to Motion re 60 MOTION to Quash

10/20/2008 63 ORDER IT IS HEREBY ORDERED that plaintiff motions to quash plaintiff depositions are DENIED signed Hon Charles A. Shaw (JWJ)

10/21/2008 64 RESPONSE to Motion re 57 MOTION for Summary Judgment On All Claims filed by Defendants Michael Chertoff TSA attachment #2 Affidavit Declaration of Richard Nelms#1 Affidavit Declaration of Robert Henrich (Wedemeyer) 10/21/08

10/21/2008 65 MOTION to Dismiss Case (Amended Complaint) by Defendant Michael Chertoff TSA (Wedemeyer)

10/27/2008 66 MEMORADUM in support of Motion to 65 MOTION to Dismis Case (Amended Complaint) Filed by Defendants Michael Chertoff, TSA (Wedemeyer) 10/27/2008

10/27/2008 67 REPLY to Defendant Chertoff's Opposition to Plaintiff's Motion For Summary Judgment On Claims—Response To Motion re 57 MOTION For Summary Judgment filed by Plaintiff attach #1 attachment #2 (MRC) 10/28/2008

10/30/2008 68 RESONSE in opposition To Motion of Defendant Chertoff to Dismiss Plaintiff's Amended Complaint re 65 MOTION filed By Plaintiff (MCR)10/30/2008

11/03/2008 69 REPLY to Response re 65 MOTION

11/06/2008 70 DOCUMENT STRICKEN PUSUANT THE COURT ORDER DATED 11/17/08 Document Titled Reply to Reply of Defendant Chertoff to Plaintiff's Opposition to Motion of Of Defendant Chertoff 65 filed by Plaintiff(JWJ)

11/17/2008 71 ORDER This matter is before the Court on review of the file Plaintiff has filed without leave of Court a document entitled Reply to Reply of Defendant Chertoff to Plaintiff's Opposition to

Motion of Defendant Chertoff to Dismiss Plaintiff's Amended Complaint, which the Court believes plaintiff intended to a surresponse. The Local Rules of this Court do not allow for The filing of surresponces or surreplies without

leave of the Court. Accordingly the Clerk wil be directed to strike plaintiffs surresponse from the record Signed Hon Charles A. Shaw.

11/20/2008 72 MOTION for Leave to File Surrespons to Response to Motion re 65 MOTION to Dismiss Case (Amended Complaint) filed by Defendant Chertoff by Plaintiff Stanley Logan Ent 11/25/08

01/21/2008 73 ORDER-IT IS HEREBY ORDERED that defendants motion to dismiss is DENIED without prejudice. IT IS FUTHER ORDERED that within (7) days of the date of this Order, plaintiff Stanley Logan shall file an amended complaint that complies with Rules 5 and 11 of the Federal Rules of Civil Procedure and Rule 2.01 of the Local Rules of this Court. Defendant shall answer or otherwise respond to Any such amended complaint within the time Allowed by law. IT IS FUTHER ORDERED That in the future, all documents submitted by Plaintiff shall include a signature, address, and Certificate of service as stated in this Order, or The documents will be returned without filing. Failure to comply with this order may result in Dismissal of plaintiff's cause of action. Denying 65 Motion to Dismiss Case si Hon Charles A. Shaw 1/21/2009(MCM) 01/21/2009

02/13/2009 74 ORDER IT IE HEREBY ORDERED that plaintiff's amended complaint is STRICKEN from the record, together with the attached exhibits [Doc.54] The Clerk of the Court shall

remove Document 54 from the record. Signed Honorable Charles A. Shaw on 2/13/09 (JWJ).

APPENDIX D
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVION

STANLEY LOGAN
Plaintiff
V No. 4:07-CV-1948 CAS
MICHAEL CHERTOFF,
Secretary of the department of
Homeland Security.
Defendant
MEMORANDUM AND ORDER
Pending before this Court is defendant Michael Chertoff's motion for summary judgment. The motion having been fully briefed, the matter is ripe for review. For the following reasons, the Court will grant defendant's motion for summary judgment and dismiss plaintiff's claims against it.

IV. Discussion
A. Harassment/Hostile Work Environment Claims
In his complaint, plaintiff claims, generally, that he was subjected to harassment based on his race, color, sex, age and religion.

Defendant moves for summary judgment on plaintiff's hostile work environment claims on the grounds that 1) plaintiff's allegations are not severe or pervasive enough to satisfy the legal standards for harassment and/or did not alter the terms and conditions of plaintiff's employment; 2) that any alleged harassment plaintiff was subjected to was not as a result of his

protected traits; and 3) that defendant took prompt, remedial action with regard to plaintiff's complaints of harassment

The Court liberally construes plaintiff's complaint because he is preceding pro se. Nonetheless, the Court agrees with Defendant that plaintiff fail to establish that he alleged hostile work environment was severe to pervasive enough such that it affected a term, condition or privilege of his employment. The Court further agrees that no causal connection exist between the perceived harassment and plaintiff's membership in a protected group.

Plaintiff has set forth no evidence, other than his own, unsubstantiated allegations of a hostile work environment; he has submitted no depository testimony, affidavits, or testimony under oath regarding his allegations. The most the ourt can say is that the record shows that plaintiff believed almost from his hire date, that he was being "targeted" for harassment and/or dismissal by some unnamed persons at TSA. He indicated in numerous letters and statements that he felt he was being picked on and his fellow co-workers and supervisors were "out to get him." It I also apparent that he stridently belived that a "file was being kept on him" and a screener, or TSA "plant" was being sent to collect "intelligence" on him.

Within one month of his hire date, plaintive started complaining about his fellow co-worker. He claimed:1)they did not like/made fun of his long hair and told him he should cut it; 2)that they made statement claiming his "butt was too big" and that he was a radical/Panther;3) that he was called "gay" on two occasions;3) that he was told by a co-worker that his mother would not approve of him;4) that a female screener told a manager that plaintiff should br fired and whipped and slapped him on his arm;5) that he was made to listen to anti-Catholic statement regarding the "priest scandal" on one occasion;6) that a female screener "drove her body" into plaintiff to remove a screening wand;and7) that he was

not liked by the "Blacks" because he was "light skinned" and considered arrogant.

Even accepting plaintiff's allegations as true, such actions simply do not show that plaintiff was subjected to a hostile work environment based on either his race, color, sex, age or religion. Hostile work environment claims are limited in nature, and require a high evidentiary showing that the plaintiff's workplace is permeated with discriminatory intimidation, ridicule, and insult that is sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working envirment." Harris, 510 U.S. at 2. See also O'Brien v Department of Agric, 532 F.3d 805, 810 (8th Cir 2008)(after protected activity, supervisor subjected plaintiff to heightened scrutiny, reduced some of their authority, did not allow one to attend training, did not allow one to work home, denied one performance award, discussed suspending them, and attempted institute disciplinary action against them, in addition to interfering with their work, isolating, measuring and ostracizing them, the Court of Appeals held that that district court properly granted summary judgment to the Defendants because the plaintiffs working conditions were not so severe or pervasive that they rose to the level of a hostile work environment: Nitsche v CEO of Osage Valley Valley Elec. Co-op.,446 F.3d 841, 846 (8th Cir. 2006)(requiring hostile work envirment plaintiff to "clear a high threshold to demonstrate actionable harm"); Powell v Yellow Book USA Inc, 445 F,3d 1074, 1078 (8th Cir 2006)(holding that "Title VII's purpose is not to not to smooth the rough edges of our daily discourse, nor to provide a federal cause of action for every slight")

The alleged harassment that plaintiff complains of is simply not "sufficiently severe or pervasive to alter the conditions of [his] employment" Harris, 510 U.S. at 21 quoting Meritor Sav Bank FSB v Vinson, 477 U.S. 57 67 (1986). Moreover, plaintiff has not shown, aside from anti-Catholic statements made by co-worker, trhast any alleged harassment plaintiff was subjected to was

targeting a protected trait. In other words plaintiff has not established a casual connection between the alleged harassment he received and either his race, color, sex, or age. Plaintiff's allegations of harassment, even if the Court assume they are such, are merely tribulations of the work place and are completely devoid of any evidence of animus based on plaintiff's race, color, sex, or age. Such a complaint simply does not state a claim of harassment. See eg Faragher v City of Boca Raton, 534 U.S. 775 (1998), Burlington Industries Inc v Ellerth 524 U.S. 742 (1998). Defendant's motion for summary judgment as to plaintiff's harassment/hostile work environment claims will be granted.

Additionally from a review of the record, the Court believes as a matter of law that defendant has established an affirmative defense to plaintiff's claims of harassment. "[A]n employment is not automatically liable for harassment by a supervisor who creates the requisite degree of discrimination." Faragher, 524 U.S. at 804. An employer may "show as an affirmative defense to liability that the employer had exercised reasonable care to avoid harassment and to eliminate it when it might occur, and that the complaining employee had failed to act with like reasonable care to take advantage of employer's safeguards and otherwise to prevent harm that could have been avoided."Faragher, 524 U.S. at 805. The record shows that defendant had several policies in place to deal with allegations of harassment in the workplace. The record additionally shows that several of defendant's employees reviewed plaintiff's complaints and met with plaintiff and explained the various remedies available to him. There is no indication that defendant did anything but take plaintiff allegations seriously. Henrich, for example, spoke with plaintiff several times regarding his allegations of targeting and harassment but at each instance Henrich was unable to substantiate plaintiff's claims. Nevertheless, Henrich reported the allegations to plaintiff's supervisors and provided plaintiff with his cell phone number and other contact information and told him to report any occurrence, in detail, as soon as they occurred. Plaintiff failed to do so. Rather plaintiff

waited more than five days to report the next instance of purported harassment, refused to give detailed information regarding the alleged exchange, and then refused to allow defendant to investigate the matter. In sum, the Court believes that defendant is entitled to the Ellerth, Farager defense and is entitled to summary judgment as a matter of law as to plaintiff's claims of harassment.

B. Retaliation Claims

Plaintiff claims that he was subjected to unlawful retaliation when a "fitness for duty" action was initiated on him and additionally, when he was discharged from his employment on January 30, 2004. The government asserts it is entitled to summary judgment as to plaintiff's retaliation claimsbecause:1) the fitness for duty inquiry was not an inverse action,2) the plaintiff cannot show a causal connection between his termination and his protected activity;and3) plaintiff cannot show that "but for" his protected activity he would not have been terminated,

Title VII prohibits employers from retaliating against employees for opposing any discrimination made unlawful by Title VII, or for making a charge or participating in any manner in an investigation or proceeding under Title VII 42 U.S.C.$2000e-3(a);see also Baker v Missouri Dep't of Corrections, 513Fd 631, 834 (8th Cir 2008). For claims of retaliation where direct evidence is not available, the McDouglas burden shifting analysis applies. Barkhartiari v Lutz.507F3d 1132, 1137-1138 (8th Cir 2007) (referring to McDonall Douglas v Green 411 U.S. 792 (1973). Direct evidence is evidence that establishes a special link between the alleged discriminatory animus and the challenged decision, sufficient to support a finding by a reasonable fact finder that an illegitimate criterion actually motivated the employer's decision. Twymon v wells Fargo & Co. 462F.3d925,933(8th Cir 2006) citing Puttman v Unity Sys, 348F 3d732,735(8th Cir 2003). Because there is no evidence, either direct or circumstantial, showing a special link between Plaintiff's protected activity and any alleged adverse

employment action, the burden-shifting analysis set forth in McDonnell Doglas applies.

The plaintiff bears the burden of establishing a prima facie case of retaliation. Higgins v Gonzales 481 F3d 578, 589 (8th Cie 2007),see also Gage v Pottere, WL 4332202, at*9(E.D. Mo. Sept 17 2008). If plaintiff establishes his prima facie case of retaliation, the bueden shifts to the employer to produce some legitimate, nondiscriminatory reason for the adverse action.Gage.2008WL 4332202 at *9. If the employer satisfies this burden, the plaintiff must demonstrate that the proffered reason is a pretext for retaliation.Id. The ultimate burden rest with the plaintiff to establish that the employer's adverse action was in retaliation for plaintiff's protected conduct. Id.

To establish a prima facie case of retaliation, plaintiff must show that:1)[]he engaged in a protected activity,2)[]he suffered an adverse employment action, and3)[]there was a casual connection between the protected activity and the adverse employment action."Jackson v united Parcel Service Inc, 548 F3d 1137,1142 (8th Cir 2008).

1. The Inquiry Into a Fitness-For-Duty Examination

Plaintiff first complains that he was subjected to retaliation when Richard Nelms inquired into the possibility of requiring plaintiff to undergo a fitness-for-duty evaluation in Apr of 2003. The government asserts that this inquiry cannot be construed, on its face, as an adverse employment action, and it additionally argues that because a fitness-for-duty examination was never initiated on plaintiff, it cannot suffice as retaliation.

To establish an adverse employment action in the context of a retaliation claim, plaintiff must demonstrate that a reasonable employee would have found the defendant's "materially adverse," meaning they "well might have dissuaded a reasonable worker

from supporting a charge of discrimination," Burlington Northern & Santa Fe Ry Co v White 548 U.S. 53,68(2006).

The Eighth Circuit has questioned whether requiring a fitness-for-duty examination could ever be considered an adverse employment action, and has twice determined that it was not. See Schoffstall v Henderson 223 F3d 818 (8th Cir 2008)(finding fitness for duty examination did not constitute an adverse employment action:Vislisel v Turnage, 930 F2d ((8th Cir 1991)(affirming district court's finding that employer requiring employee to submit to physical and if necessary psychiatric examination was not an adverse employment action). Although this court recognizes that since the Eighth Circuit's holding, the definition of an adverse employment action has been broadened under Burlington Northern, even under this new standard, a plaintiff must still demonstrate that the challenged action "might have dissuaded a reasonable worker from making or supporting a charge of discrimination." Burlington Northern 548 U.S. at 69. The Eighth Circuit requires the plaintiff to show that the adverse employment activity "produced significant harm" or "materially significant disadvantage." See Bubolts v Residential Advantages, Inc, 523F 3d 864, 868 (8th Cir 2008). Devin v Schwan's Home Service Inc, 491F 3d 778, 786(8th Cir 2007).

Plaintiff has not shown that he suffered any harm or disadvantage with respect to the inquiry, and in fact, he was not required to undergo a fitness-for-duty examination as no such inquiry existed under the TSA guidelines. Moreover, it is telling that plantiff did not even find out about the inquiry until January 2004, approximately a year after he had complained to an EEO officer. Thus, the inquiry itself did not in any way dissuade plaintiff from making or supporting a charge of discrimination.

Lastly, the Court notes that Nelms's inquiry in April of 2003 into wheather plaintiff could be forced to submit to a fitness-for-duty evaluation came directly after what can only be described as

"bizarre" actions by plaintiff. In March of 2003 plaintiff was overheard stating, at a security screening checkpoint and in front of airline passengers, that "Saddam is the man." These statements were substantiated by plaintiff's co-workers during an investigation of the incident. Plaintiff's statements, along with his continued insistence that someone was "out to get him"; that a "file was being kept on him"; and a screener or a TSA "plant" was being sent to collect "intelligence" on him raised red flags such that a Human Resource Specialist like Nelms might reasonably inquire whether a fitness-for-duty examination should be undertaken to determine whether plaintiff was fit to screen airline passenger under post 9/11 circumstances. Thus, defendant has proffered a legitimate, non-discriminatory reason for pursuing an inquiey into the possibility of doing a fitness-for-duty examination, and plaintiff has not presented evidence that these reasons were pretextual. Accordingly, plaintiff's claim that he was subjected to retaliation when Nelms inquired into initiating a fitness-for-duty eamn-ination on plaintiff is without merit.

2. Plaintiff's Termination

Plaintiff also argues that his termination was done in retaliation for his complaints of harassments. The government argues that it is entitled to summary judgment on this claim because he has not demonstrated any causal connection between the exercise of his rights under federal anti-discrimination laws and the termination of his employment on January 30, 2004. In so arguing, defendant notes that plaintiff has not produced any evidence that his termination was in retaliation for his engagement in protected activity, instead resting his argument on the temporal connection between the two acts. The Court agrees that the mere fact that plaintiff initiated an EEO complaint in January 2003, is not sufficient to show that his January 30, 2004 termination, nearly twelve months later, was retaliatory.

"To prove a casual connection under the third element, a plaintiff must prove that an employer's retaliatory motive played a part in the adverse employment action." Gilooly v Missouri Dept't of Health & Senior Servs, 421 F 3d 734, 739 (8th Cir 2005). .....

Although the timing of an adverse employment action may be relevant in determining whether the motive for the act was unlawful retaliation, to demonstrate a nexus based on temporal proximity, the period of time separating the event must be very close. See e.g. Clark County Sch Dist v Breeden 532 U.S. 268, 273-74 (2001). ..... Moreover, as a defendant notes, plaintiff's retaliation claim is weak because defendant seriously looked into plaintiff's concerns even before he filed his EEO complaint. See Logan v Liberty Healthcare Corp 416 F 3d, 877, 882 (8th Cir 2005).....

Plaintiff was terminated from his employment for engaging in an altercation with physical contact with a supervisor and for masking a false statement. These actions were taken in front of airline passengers, as well as plaintiff's co-workers. It is undisputed that plaintiff's actions violated TSA policies regarding employee responsibilities and conduct. Plaintiff disagreed with the facts leading up to his discharge, but in responding to defendant's motion for summary judgment, he provided no admissible evidence to create a genuine issue of material fact. Other than his own opinion and his unsupported denials of the events surrounding the decision to terminate his employment, plaintiff has submitted no evidence demonstrating that his complaints were the motivating factor for the termination. Stuart v General Motors Corp 317 F 3d 621, 636 (8th Cir 2000) (noting plaintiff's denial of facts surrounding his termination was not evidence to establish that defendant's stated reasons for the discharge were a pretext for discrimination).

In sum, there is simply nothing in the record to give rise to an inference of retaliatory motive on the part of defendant, as required

to prove that a casual connection exists. The temporal connection between the protected activity and the termination is attenuated and insufficient alone to establish a showing of causal connectiob. Moreover, plaintiff provided no admissible evidence of retaliatory motive. Finaly, defendant did provide evidence that plaintiff's discharge was based on legitimate reasons-namely plaintiff's own conduct-and plaintiff has not rebutted defendant's proffer. Thus, defendant is entitled to summary judgment on plaintiff's retaliation claims.

C. Failure to Exhaust Administrative Remedies ....

As such the Court finds that plaintiff's allegations of sex discrimination are unexhausted, and defendant's request for dismissal of these claims for failure to exhaust administrative remedies should will be granted.

Accordingly,

IT IS HEREBY ORDERED that defendant's motion for summary Judgment is GRANTED.[Doc. 78]

IT IS FURTHER ORDERED that plaintiff's motions requesting leave to file sur-responses amd to file an amended complaint are GRANTED IN PART. Plaintiff's request to file sur-esponses are GRANTED but plaintiff's request to file an amended complaint is DENIED. [Docs. 85 and 86]

si Charles A. Shaw
UNITED STATES DISTRIC JUDGE
Dated this 22nd day of September, 2009

JUDGMENT

In accordance with the Memorandum and Order of this same date and incorporated herein,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that judgment is entered in favor of defendants and against plaintiff on all claims asserted in plaintiff's complaint.

si Charles A. Shaw
UNITED STATES DISTRICT JUDGE

APPENDIX E
UNITED STATES COURT OF APPEALS
FOR THE EITH CIRCUIT

No. 09 3848
Stanley Logan
Appellant
V
Janet Napolitano, Secretary,
Department of Homeland Security,
Transportation Security Administation
Appellee,

Appeal from the United States District Court for the Eastern District of Missouri
[UNPUBLISHED]

Submitted: May 19, 2010
Filed: May 25, 2010
Before LOKEN, BYE, and SHEPHERD, Circuit Judges.
PER CURIAM
Stanley Logan appeals from the district court's order granting defendant summary judgment in his employment-discrimination action, and deneying leave to amend the complaint. Hasving revewed the record de novo, and in light most favorable to Logan, we conclude that summary judgment was oroper, and that the court did not abuse its discretion in denying leave to amend, for the reasons explained in the the district court's through opinion. See Kratzer v Rockwell Collins, Inc, 398 F 3d 1940, 1043 (8th Cir 2005) (grant of summary judgment is reviewed de novo); Deutsche Fin Serv Corp v BCS Inc Co 299 F 3d 692, 700 (8th Cir 2002) (denial of leave to amend is reviewed for abuse of descretion). Accordingly, we affirm the judgment. See 8th Cir R 47B.

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT
No. 09-3848
Stanley Logan
Appellant
V

Janet Napolitano, Secretary, Department of Homeland Security, Transportation Security Administation
Appellee
Appeal from U.S. District Court for the Eastern District of Missouri-St. Louis (4:07-cv-001948-CAS)
ORDER
Appelant's motion for miscellaneous relief has been considered by the court and is denied.
August 23, 2010
Order Entered at the Direction of the Court
Clerk, U.S. Court of Appeals, Eighth Circuit.
si Michael E. Gans